

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

GILBERTO MARTINEZ GOMEZ
LAURA M. SERRANO SANTANA
DEBTOR(S)

*

CASE NO. 12-03113-MCF

*

CHAPTER 13

MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN, 11 USC SECTION 1329

TO THE HONORABLE COURT:

NOW COME, GILBERTO MARTINEZ GOMEZ and LAURA M. SERRANO SANTANA, through the undersigned attorney, and very respectfully state and pray as follow:

1. The debtors are hereby submitting a Post-confirmation Modification of Chapter 13 Plan, dated August 13, 2013, herewith and attached to this motion.
2. This Post-confirmation Modification of Chapter 13 Plan is filed to consent to the modification of the automatic stay in favor of Banco Popular de Puerto Rico for loss mitigation purposes only.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this notice was sent by the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the following non CM/ECF participants: debtors, Gilberto Martinez Gomez and Laura M. Serrano Santana; and to all creditors and parties in interest, in the present case.

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Case no. 12-03113-MCF

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 13th day of August, 2013.

/s/ Roberto Figueroa Carrasquillo
ROBERTO FIGUEROA-CARRASQUILLO
USDC #203614
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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 3:12-bk-3113

MARTINEZ GOMEZ, GILBERTO & SERRANO SANTANA, LAURA MARGARITA
Debtor(s)

Chapter 13

CHAPTER 13 PAYMENT PLAN

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee directly by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>8/13/2013</u>		<input type="checkbox"/> AMENDED PLAN DATED: _____ Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other														
<input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION																
I. PAYMENT PLAN SCHEDULE <table border="1"> <tr> <td>\$ 200.00 x 24 = \$ 4,800.00</td> <td></td> </tr> <tr> <td>\$ 1,277.00 x 36 = \$ 45,972.00</td> <td></td> </tr> <tr> <td>\$ _____ x _____ = \$ _____</td> <td></td> </tr> <tr> <td>\$ _____ x _____ = \$ _____</td> <td></td> </tr> <tr> <td>\$ _____ x _____ = \$ _____</td> <td></td> </tr> <tr> <td colspan="2">TOTAL: \$ 50,772.00</td> </tr> </table> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ 50,772.00</p>			\$ 200.00 x 24 = \$ 4,800.00		\$ 1,277.00 x 36 = \$ 45,972.00		\$ _____ x _____ = \$ _____		\$ _____ x _____ = \$ _____		\$ _____ x _____ = \$ _____		TOTAL: \$ 50,772.00		II. DISBURSEMENT SCHEDULE <ol style="list-style-type: none"> <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. COOP A/C JESUS OI Cr. _____ Cr. _____ # 1102382080425 # _____ # _____ \$ 9,612.26 \$ _____ \$ _____ <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. HACIENDA SAN JOS Cr. LEE COUNTY TAX C Cr. _____ # 415 # 334323C103896 0530 # _____ \$ 2,090.75 \$ 2,568.00 \$ _____ <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ _____ <input type="checkbox"/> Other: _____ _____ <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: BANCO POPULAR D COOP A/C JESUS OI <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <ol style="list-style-type: none"> (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ Unsecured Claims otherwise receive PRO-RATA disbursements. <p>OTHER PROVISIONS: (Executive contracts; payment of interest to unsecureds, etc.) Debtor(s) consents to the LIFT of STAY in favor of BPPR (POC 11), for the purpose of loss mitigation modification that will include all pre and post-petition arrears, therefore the Trustee will make no disbursements to BPPR (POC 11). Priority (Dpto. Hacienda): \$1,407.00; Real Property Special Tax: (Pin Number 224-039-729-39-0000) arrears \$926.00, (Pin Number 225-023-885-21-001) arrears \$444.00 will be paid through the Trustee. CRIM: Pin Number 224-039-729-39-0000 arrears \$1,593.00 ; Pin Number 225-023-885-21-001 arrears \$1,110.00 will be paid through the Trustee. Debtor to continue making current direct payments to CRIM. Late filed claims filed by creditors will receive no distribution. "Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank. Debtor reserves the right to object claims after plan confirmation.</p>	
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\$ 1,277.00 x 36 = \$ 45,972.00																
\$ _____ x _____ = \$ _____																
\$ _____ x _____ = \$ _____																
\$ _____ x _____ = \$ _____																
TOTAL: \$ 50,772.00																
Signed:  Debtor																
 Joint Debtor																

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